

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Dennis R. Hayward et al.)
) Group Art Unit:
SERIAL NO.:	09/595,201)
) Examiner:
FILED:	June 16, 2000)
)
FOR:	BRAKE ASSEMBLY) Confirmation No.:

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Renewed Petition for Revival is submitted under 37 C.F.R. 1.137(b) and (e) in response to the Examiner's Decision of 09 October 2007. Enclosed for the Examiner's consideration are the following:

Remarks, beginning on page 2 of this paper; and

Annexes 1-3, appended hereto.

REMARKS

This Renewed Petition is submitted in reply to the Decision on Petition issued on 09 October 2007. In the Decision, the Examiner requires three items of information enumerated on page 3 of the Decision. These items are now addressed below in turn with reference to the attached Annexes and are followed by concluding commentary.

(1) Petitioner should state the date petitioner first learned that the application was abandoned.

The Assignee's undersigned U.S. representative (hereinafter, "Petitioner") first learned of the abandonment on or about 27 October 2005. Annex 1 includes a report letter to the Assignee's European representative evidencing this point. The Notice of Abandonment was not known of prior to this date because it was mailed to an incorrect address and then returned to the Patent Office. See, Decision of 09 October 2007 and "Petition to Withdraw Holding of Abandonment" dated 11 November 2005.

(2) If the date petitioner discovered the application was abandoned was on or before 14 August 2005, petitioner should provide an explanation for any delay in filing the petition to withdraw the holding of abandonment on 14 November 2005.

As set forth above with regard to item (1), petitioner first learned that the application was abandoned on or about 27 October 2005, that is, *after* 14 August 2005. Accordingly, item (2) is not applicable.

(3) Petitioner should fully explain and discuss the delay from 19 January 2006 until the date the instant petition was filed.

Petitioner's office received the referenced Decision after issuance thereof by the Examiner but the Decision was not made known to the undersigned until on or about 26 October 2006. This is likely the result of docketing re-staffing and re-structuring which occurred at petitioner's office during this time period. Annex 2 includes a report letter from the undersigned to the Assignee's European representative, evidencing the

undersigned's belated receipt of the Decision. From this point forward, Petitioner, Assignee, and Assignee's European representative worked diligently to prepare and file the instant Petition on 04 May 2007. In November 2006, the Decision was evaluated and strategy was assessed. In December 2006, preparation of the Petition was commenced. January 2007 through April 2007, the Office Action at issue (dated 16 June 2000) was substantively evaluated along with the cited references, the application itself and original claims were revisited, and preparation of a proper response was commenced. Here, it is noted with emphasis, that this marked the first occasion for substantive evaluation of the Office Action and its details; prior to this stage, efforts in this case have been limited to addressing the outstanding Notice of Abandonment. In this regard, the Office's discretion and understanding of any perceived delay is respectfully requested. The response to Office Action was promptly completed through April 2007 and immediately filed along with all other requisite Petition papers on 04 May 2007.

This accounts, fully and accurately, for time elapsed since 19 January 2006. Any perceived delay associated with this time period and any other delay occurring from the alleged abandonment of the application to the filing of the present grantable Petition was "unintentional" as the term is set forth in 37 C.F.R. 1.137(b) and described at H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982). That is, any delay which may have occurred was not the result of a deliberately chosen course of action by Petitioner, Assignee, or Assignee's European representative, or anyone associated with this application, and thus truly was "unintentional". See, *In re Maldague*, 10 USPQ2d 1477, 1478 (Comm'r Pat. & Trademarks 1989), and related. Since becoming aware of the alleged abandonment, reinstatement of the application has been decidedly and consistently pursued. At no time has Petitioner, Assignee, or Assignee's European representative deliberately permitted this application to become or to remain abandoned. Quite the contrary, and as the file illustrates, repeated attempts have been made to restore the application to pendency.

Annex 3 contains a copy of the Petition filed on 04 May 2007 along with the Response to Office Action submitted in reply to the Action dated 01 March 2001. As set

forth in the Petition and as stated here again, the entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. This statement and the evidence and discussion set forth herein are provided in satisfaction of Petitioner's duty of candor and good faith with the Office. See, MPEP 711.03(c) & 37 C.F.R. 10.18. It is noted that "the Office is almost always satisfied as to whether 'the entire delay...was unintentional' on the basis of statement(s) by the applicant or representative explaining the cause of the delay (accompanied at most by copies of correspondence relevant to the period of delay)." *Id.* Herein, Petitioner has provided exactly this required explanation and correspondence documentation.

Accordingly, for at least these reasons, Applicant's respectfully request grant of the present renewed Petition for Revival, reinstatement of the application, and entry of the Response to Office Action.

Please charge any fees associated with this renewed Petition to Deposit Account No. 06-1130 maintained by Petitioner. Petitioner hereby requests any extension of time necessary under 37 C.F.R. 1.136 required for entry and consideration of the present Petition. The Examiner is invited to contact the undersigned via telephone regarding this Petition or otherwise concerning this application.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Daniel F. Drexler

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Date: 10 DEC. 2007

By: 

Daniel R. Gibson

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Date: 10 DEC. 2007

ANNEX 1



Cantor Colburn LLP

Intellectual Property Attorneys

Amy J. Bizon-Copp
Abizon-copp@cantorcolburn.com
(not admitted in CT)

October 27, 2005

VIA FACSIMILE 011441242579383
AND AIRMAIL

CONFIRMATION COPY

Mr. Richard Bailey
MARKS & CLERK
Alpha Tower
Suffolk Street Queensway
Birmingham B1 1TT

Re: U.S. Patent Application Serial No. 09/595,201
FOR: BRAKE ASSEMBLY
Our Reference: MAR-0003
Your Reference: D037348PUS

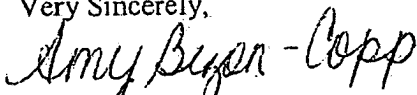
Dear Mr. Bailey:

We have contacted the relevant Patent Examiner to attain the status of the indicated application. Apparently, an Action was issued by the Patent Office some time ago. However, due to an error on the part of the Patent Office, the Action never reached our office. Consequently, a response to the Action was never filed and the application lapsed, improperly, into abandonment.

We stress that the cause of the abandonment was Patent Office error. Thus, we believe that the abandonment itself is improper and may be withdrawn by filing a petition. There is no government fee associated with the petition. Our service fee for preparing and filing the petition should be approximately \$300-\$400.

We note that provisions exist under U.S. law to recover patent term that is lost due to delay or errors on the part of the Patent Office. This certainly may be applicable in the present case and may be raised when/if a Notice of Allowance is eventually attained.

Please advise if your client wishes to proceed with the application and we will prepare the necessary documents.

Very Sincerely,

Amy Bizon-Copp
ABC/nkw

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ANNEX 2



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26 October 2006

VIA FACSIMILE ONLY 011441242579383

Mr. Richard Bailey
MARKS & CLERK
27 Imperial Square
Cheltenham GL50 1R0
United Kingdom

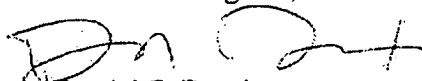
Re: U.S. Patent Application Serial No. 09/595,201
For: BRAKE ASSEMBLY
Our Reference: MAR-0003
Your Reference: R037348PUS

Dear Mr. Bailey:

Further to our letter of 23 November 2005, the U.S. Patent Office has not granted the "Petition to Withdrawal Holding of Abandonment" filed in this application in November 2005. At this point, we advise filing a "Petition to Revive Unintentionally Abandoned Application". This Petition should reinstate the application with no troubles. Unless we hear from you to the contrary, we shall proceed in this manner.

Our further report shall follow. Please contact us in the meantime if we may be of any further assistance.

With Best Regards,


Daniel F. Drexler
DFD/jl

ANNEX 3

Acknowledgement Receipt

The USPTO has received your submission at **11:01:40** Eastern Time on **04-MAY-2007** by Deposit Account: 061130.

\$ **1500** fee paid by e-File via *RAM* with Confirmation Number: 1551.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

eFiled Application Information

EFS ID	1743958
Application Number	09595201
Confirmation Number	1202
Title	Brake assembly
First Named Inventor	Dennis Richard Hayward
Customer Number or Correspondence Address	23413
Filed By	Daniel R. Gibson/Jill McCallum
Attorney Docket Number	MAR-0003
Filing Date	16-JUN-2000
Receipt Date	04-MAY-2007
Application Type	Utility

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
PetitionforRevivalofApp-withResptoOA3-1-2001__MAR-0003.pdf	12	Petition for review by the Office of Petitions.	1098025 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-06)	8130 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

If you need help:

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

Doc Code:

PTO/SB/64 (09-08)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) MAR-0003
<p>First named inventor: Dennis R. Hayward</p> <p>Application No.: 09/595,201 Art Unit: 3613</p> <p>Filed: June 16, 2000 Examiner: Pamela Rodriguez</p> <p>Title: BRAKE ASSEMBLY</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (571) 273-8300</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and(4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,500</u> (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>RESPONSE TO OFFICE ACTION ISSUED 03/01/2001</u> (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ _____.</p> <p><input type="checkbox"/> has been paid previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc Code:

PTO/SB/64 (08-08)

Approved for use 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

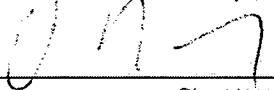
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature
Daniel R. Gibson

Typed or printed name
CANTOR COLBURN LLP - 55 Griffin Road South

Address
Bloomfield, CT 06002

Address

May 4, 2007

Date
56,539

Registration Number, if applicable
860-286-2929

Telephone Number

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Type or printed name of person signing certificate

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Dennis R. Hayward et al.)
) Group Art Unit: 3613
SERIAL NO.:	09/595,201)
) Examiner:
FILED:	June 16, 2000) Pamela Rodriguez
)
FOR:	BRAKE ASSEMBLY) Confirmation No.: 1202

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Rodriguez:

This Response is submitted in reply to the Office action mailed 01 March 2001. With reference to the Petition to Revive submitted herewith, Applicant respectfully requests entry and consideration of the following:

Listing of the Claims beginning on page 2 of this paper; and

Remarks beginning on page 6 of this paper.

LISTING OF THE CLAIMS

1. (Original) A brake assembly for a motor, the brake assembly comprising a stack of brake elements, at least one of which is rotatable with an output shaft of the motor, in use, and at least one of which is non-rotatable relative to a housing, and an actuator arrangement for controlling the magnitude of a compressive load applied to the brake elements, wherein the brake elements are provided, at least in part, with a surface coating which raises the coefficient of friction of the brake elements to a value greater than 0.2.
2. (Original) The brake assembly as claimed in Claim 1, wherein the surface coating raises the coefficient of friction to a value of at least 0.5.
3. (Original) The brake assembly as claimed in Claim 2, wherein the coefficient of friction falls within the range 0.5 to 0.6.
4. (Original) The brake assembly as claimed in Claim 1, wherein the surface coating is tungsten carbide forming a layer of thickness falling within the range 0.64 mm to 1.27 mm.
5. (Original) The brake assembly as claimed in Claim 1, wherein the stack of brake elements takes the form of a first brake element which is rotatable with the output shaft of the motor, in use, and a second brake element which is non-rotatable relative to the housing.
6. (Original) The brake assembly as claimed in Claim 5, wherein the second brake

element forms part of a cap forming part of the housing.

7. (Original) The brake assembly as claimed in Claim 5, further comprising an arrangement for preventing contact between the first and second brake elements when the actuator arrangement is actuated.

8. (Original) The brake assembly as claimed in Claim 7, wherein the arrangement for preventing contact between the first and second brake elements includes a secondary spring for biasing the first brake element away from the second brake element, the secondary spring providing a biasing force which exceeds the weight of the first brake element.

9. (Original) The brake assembly as claimed in Claim 8, wherein the actuator arrangement comprises an electromagnetic actuator arranged to act against a primary spring, the spring force due to the secondary spring being sufficient to overcome the weight of the first brake element but being less than the spring force due to the primary spring.

10. (Original) The brake assembly as claimed in Claim 9, wherein the arrangement for preventing contact between the first and second brake elements further comprises a stop member arranged to limit axial movement of the first brake element relative to an armature forming part of the actuator means.

11. (Original) The brake assembly as claimed in Claim 10, wherein the stop member takes

the form of a shoulder provided on a rotor shaft which is rotatable with the output shaft of the motor.

12. (Original) The brake assembly as claimed in Claim 11, wherein the rotor shaft is provided with an abutment member, the secondary spring being located between the abutment member and the first brake element.

13. (Original) The brake assembly as claimed in Claim 1, wherein at least one of the brake elements takes the form of a brake disc.

14. (Original) The brake assembly as claimed in Claim 1, wherein the actuator arrangement comprises an electromagnetic actuator arranged to act against a primary spring.

15. (Original) The brake assembly as claimed in Claim 14, wherein the electromagnetic actuator includes a winding located such that the brake elements are accessible without requiring removal of the winding from the motor.

16. (Original) A brake assembly for a motor, the brake assembly comprising a plurality of brake elements and an electromagnetic actuator arranged to permit control of a compressive load applied to the brake elements, wherein the actuator includes a winding located such that the brake elements are accessible without requiring removal of the winding from the motor.

17. (Original) The brake assembly as claimed in Claim 16, wherein the winding is located between the brake elements and the motor.

18. (Original) The brake assembly as claimed in Claim 16, wherein the brake elements form part of a module which can be removed from the motor and the remainder of the brake assembly as a unit.

19. (Original) The brake assembly as claimed in Claim 18, wherein the module further includes an armature forming part of the actuator.

REMARKS

Claims 1-19 were pending as of the Office Action of March 1, 2001. Though the claims have not been amended, Applicant respectfully submits a listing of the claims for the Examiner's convenience. Applicant respectfully thanks the Examiner for finding the subject matter of claim 12 to be allowable. Applicant also respectfully submits with this Response a petition under 37 CFR 1.137(b) seeking revival of the Application due to unintentional abandonment.

Claim rejections under 35 U.S.C. 102(b)

The Examiner rejects claims 16-19 under 35 U.S.C. 102(b) for allegedly being anticipated by United States Patent Number 6,119,825 to Nisley ("Nisley" hereinafter). Applicant respectfully traverses.

Applicant's claim 16 recites *inter alia*:

"a winding located such that the brake elements are accessible without requiring removal of the winding from the motor."

Applicant respectfully asserts that Nisley does not teach a winding element that is located such that brake elements are accessible without requiring removal of the winding from the motor. Instead, referring to Figure 3, Nisley teaches that access to brake elements 46 is achieved, firstly, via removal of the pushing element 48 and adjusting nut 50. Secondly, the "threaded or press fit" connection between the brake assembly and motor via the mounting post 26 must be severed by withdrawing the brake assembly along the shaft 14 in a direction away from the motor 10. As the windings 24 are part of the brake assembly winding removal clearly constitutes a removal of the windings from the motor. As such, Nisley clearly does not describe a winding located such that the brake elements are accessible without requiring removal of the winding from the motor, as is recited in Applicant's claim 16.

Therefore, for at least the reasons set forth hereinabove, Applicant respectfully submits that Nisley does not teach every element of Applicant's claim 16, or claims 17-19 that depend therefrom.

Referring now to claim 17 specifically, there is recited *inter alia*:

"wherein the winding is located between the brake elements and the motor."

Applicant respectfully asserts that Nisley does not teach a winding located between the brake elements and the motor. Instead, referring to Figures 1 and 3, Nisley teaches a motor that is located to the left hand side of the brake arrangement in the orientation illustrated, thus positioning the brake elements 34, 46 between the motor 10 and the windings 24 as opposed to the winding between the brake elements and motor. Therefore, Nisley does not teach every element of Applicant's claim 17 for at least this additional reason.

Accordingly, for at least the reasons set forth hereinabove, Applicant respectfully submits that Nisley does not anticipate Applicant's claim 16, or claims 17-19 that depend therefrom.

Claim rejections under 35 U.S.C. 103(a)

The Examiner rejects claims 1-11 and 13-15 under 35 U.S.C. 103(a) as being allegedly unpatentable over Nisley in view of United States Patent 4,715,486 to Burgdorf et al. ("Burgdorf" hereinafter). Applicant respectfully traverses.

Applicant's claim 1 recites *inter alia*:

"wherein the brake elements are provided, at least in part, with a surface coating which raises the coefficient of friction of the brake elements to a value greater than 0.2."

Applicant respectfully agrees with the Examiner's statement at page 4, paragraph 2, which concludes that Nisley does not teach that the brake elements are provided, at least in part, with a surface coating which raises the coefficient of friction of the brake elements to a value greater than 0.2. However, Applicant respectfully asserts that Burgdorf also does not teach brake elements are provided, at least in part, with a surface coating which raises the coefficient of friction of the brake elements to a value greater than 0.2. In fact, Burgdorf does not teach a surface coating that raises the coefficient of friction of the brake elements at all.

Instead, Burgdorf teaches a coating that is applied to the brake elements for the purpose of "wear-reducing," and actually further teaches at column 3, lines 42-43 the *coefficient of friction of a coated brake element is substantially the same as an uncoated brake element*. In fact, since the object of the coating in Burgdorf is to reduce wear, Applicant respectfully asserts that it would be reasonable to conclude that the coating should actually reduce the coefficient of friction of the braking elements. As such, Applicant respectfully submits that the proposed combination of Nisley and Burgdorf does not teach every element of Applicant's claim 1, or claims 2-11 and 13-15 that depend therefrom.

Applicant further notes that claim 15 recites a winding located such that the brake elements are accessible without requiring removal of the winding from the motor. As such, the proposed combination of Nisley and Burgdorf does not teach every element of claim 15 for the same reasons as discussed with regards to the 102 remarks as applied to claim 16.

Accordingly, Applicant respectfully submits that for at least the reasons set forth hereinabove, claims 1-11 and 13-15 are not obvious over the proposed combination of Nisley and Burgdorf.

Applicant respectfully submits that the rejections are herein overcome by way of the above remarks. Allowance of the claims is respectfully requested.

Applicant hereby petitions under 37 C.F.R. §§1.136, 1.137 for any necessary extensions of time for entry and consideration of the present Response.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

The Examiner is invited to contact Applicant's attorneys at the below telephone number regarding this Response or otherwise concerning the present application.

Respectfully submitted,
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